

DOCKET NO. TAYL08-00002
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Randy Burnworth
Serial No. : 10/665,930
Filed : September 19, 2003
For : SWITCHED INPUT VIDEO DEVICE
Group No. : 2622
Examiner : Michael Lee
Confirmation No. : 6824

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. §1.47(a)

Petition is hereby made pursuant to 37 C.F.R. §1.47(a) to permit inventor Karol Freed to make application for patent of the above-identified patent application on behalf of himself and the non-signing joint inventor Randy Burnworth.

Enclosed herewith is a Declaration executed by Karol Freed and a Declaration in Support of Petition Under 37 C.F.R. §1.47(a) signed by an authorized agent of the Assignee. The Declaration in Support of Petition sets forth facts showing that this action is necessary to preserve the rights of the Assignee, Shomi Technologies Corporation, and to prevent irreparable damage thereto.

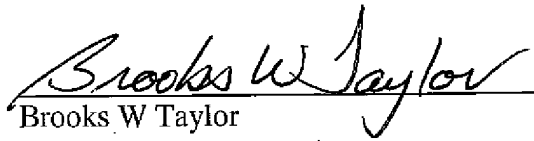
The fee set forth in 37 C.F.R. §1.17(h) is further enclosed herewith and the last known address of the inventor Randy Burnworth is further noted in the Declaration in Support of Petition.

Grant of the instant Petition is accordingly requested. The Commissioner is hereby authorized to charge the fee associated with this Petition to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

Date: 2 Feb 2010


Brooks W Taylor
Registration No. 52,276

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Sirs:

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(a)

I, Brooks W Taylor, Affiant herein, hereby state and declare as follows:

- 1) I am a registered patent attorney, Registration No. 52,276.
- 2) I have been granted a full Power of Attorney by the signing inventor, Karol Freed, and the Assignee, Shomi Technologies Corporation.
- 3) Upon information and belief, Karol Freed and the non-signing joint inventor, Randy Burnworth, executed separate Assignments in which Mr. Freed and Mr. Burnworth assigned all

rights to the invention disclosed in the specification and recited in the claims of the above-identified patent application to Shomi Technologies Corporation (hereafter, simply "Shomi").

4) Upon information and belief, the invention disclosed in the specification and recited in the allowed claims of the subject patent application was jointly invented by Mr. Freed and the non-signing joint inventor, Mr. Burnworth. Only Mr. Burnworth was named as inventor of the invention recited in the claims as originally filed in the application, however, an amendment to the claims made during prosecution of the application necessitated the addition of Mr. Freed as an inventor in the application.

5) Upon information and belief, during the prosecution of the subject patent application, Mr. Burnworth left the employ of Shomi.

6) Upon information and belief, after Mr. Burnworth left Shomi, Mr. Boyd Taylor, the President of Shomi, sent emails to Mr. Burnworth during the period January 5, 2010, through January 11, 2010, attempting to obtain Mr. Burnworth's signature on a replacement Declaration.

7) Upon information and belief, on January 6 or 7, 2010, Mr. Boyd Taylor sent a letter by regular mail to Mr. Burnworth's last known address, 3024 Gagster Drive, Apt. A, Denton, Texas 76207, enclosing a copy of the replacement Declaration and requesting Mr. Burnworth's signature. A copy of that cover letter is attached hereto.

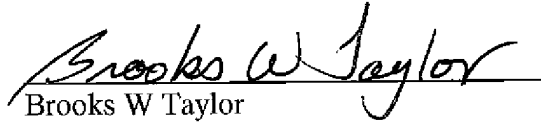
8) Upon information and belief, during the period January 11, 2010, through January 18, 2010, Mr. Boyd Taylor attempted to reach Mr. Burnworth at his home telephone and cell phone numbers, as well at his wife's cell phone number. During that period, Mr. Boyd Taylor also called

Mr. Burnworth's previous employer in an unsuccessful attempt to obtain a current address. During that period, Mr. Boyd Taylor also called family members of Mr. Burnworth, leaving messages for Mr. Burnworth to contact either Mr. Boyd Taylor or the undersigned representative of Shomi.

7) To date, Mr. Burnworth has not provided a signed copy of the Declaration. Upon information and belief, Mr. Burnworth is refusing to sign the Declaration documents because of circumstances of his departure from Shomi.

8) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are also believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: 2 Feb 2010


Brooks W Taylor
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